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AUTHORITY: Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*; Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

SOURCE: 45 FR 42500, June 24, 1980, unless otherwise noted.

EDITORIAL NOTE: 1. For a rule-related notice affecting part 146, see 52 FR 26342, July 14, 1987.

2. For a document removing the OMB control number wherever it appeared in part 146, see 58 FR 34370, June 25, 1993.

Subpart A—General Provisions

§ 146.1 Applicability and scope.

(a) This part sets forth technical criteria and standards for the Underground Injection Control Program. This part should be read in conjunction with 40 CFR parts 124, 144, and 145, which also apply to UIC programs. 40 CFR part 144 defines the regulatory framework of EPA administered permit programs. 40 CFR part 145 describes the elements of an approvable State program and procedures for EPA approval of State participation in the permit programs. 40 CFR part 124 de-

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scribes the procedures the Agency will use for issuing permits under the covered programs. Certain of these procedures will also apply to State-administered programs as specified in 40 CFR part 145.

(b) Upon the approval, partial approval or promulgation of a State UIC program by the Administrator, any underground injection which is not authorized by the Director by rule or by permit is unlawful.

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 48 FR 14293, Apr. 1, 1983]

§ 146.2 Law authorizing these regulations.

The Safe Drinking Water Act, 42 U.S.C. 300f *et seq.* authorizes these regulations and all other UIC program regulations referenced in 40 CFR part 144. Certain regulations relating to the injection of hazardous waste are also authorized by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

[58 FR 63898, Dec. 3, 1993]

§ 146.3 Definitions.

The following definitions apply to the underground injection control program.

Abandoned well means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. For RCRA, application also includes the information required by the Director under § 122.25 (contents of Part B of the RCRA application).

Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a

significant amount of water to a well or spring.

Area of review means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either $\frac{1}{4}$ of a mile or a number calculated according to the criteria set forth in § 146.06.

Casing means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

Catastrophic collapse means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

Cementing means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

Confining bed means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

Confining zone means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

Conventional mine means an open pit or underground excavation for the production of minerals.

Director means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA administered program, "Director" means the Regional Administrator. When there is an approved State or Tribal program, "Director" normally means the State or Tribal director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State or Tribal program. (For example, when EPA has issued an NPDES permit prior to the approval of a State program,

EPA may retain jurisdiction over that permit after program approval; see § 123.69). In such cases, the term *Director* means the Regional Administrator and not the State or Tribal director.

Disposal well means a well used for the disposal of waste into a subsurface stratum.

Effective date of a UIC program means the date that a State UIC program is approved or established by the Administrator.

Environmental Protection Agency ("EPA") means the United States Environmental Protection Agency.

EPA means the United States "Environmental Protection Agency."

Exempted aquifer means an aquifer or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures of § 144.8(b).

Existing injection well means an "injection well" other than a "new injection well."

Experimental technology means a technology which has not been proven feasible under the conditions in which it is being tested.

Facility or activity means any "HWM facility," UIC "injection well," NPDES "point source," or State 404 dredge and fill activity, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA, UIC, NPDES, or 404 programs.

Fault means a surface or zone of rock fracture along which there has been displacement.

Flow rate means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

Fluid means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

Formation means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

Formation fluid means “fluid” present in a “formation” under natural conditions as opposed to introduced fluids, such as drilling mud.

Generator means any person, by site location, whose act or process produces hazardous waste identified or listed in 40 CFR part 261.

Ground water means water below the land surface in a zone of saturation.

Hazardous waste means a hazardous waste as defined in 40 CFR 261.3.

Hazardous Waste Management facility (“HWM facility”) means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them).

HWM facility means “Hazardous Waste Management facility.”

Indian Tribe means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

Injection well means a “well” into which “fluids” are being injected.

Injection zone means a geological “formation”, group of formations, or part of a formation receiving fluids through a well.

Lithology means the description of rocks on the basis of their physical and chemical characteristics.

Owner or operator means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, NPDES, or 404 programs.

Packer means a device lowered into a well to produce a fluid-tight seal.

Permit means an authorization, license, or equivalent control document issued by EPA or an “approved State” to implement the requirements of this part and parts 124, 144, and 145. Permit does not include RCRA interim status (§122.23), UIC authorization by rule (§§144.21 to 144.26 and 144.15), or any permit which has not yet been the subject of final agency action, such as a “draft permit” or a “proposed permit.”

Plugging means the act or process of stopping the flow of water, oil or gas into or out of a formation through a

borehole or well penetrating that formation.

Plugging record means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

Pressure means the total load or force per unit area acting on a surface.

Project means a group of wells in a single operation.

Radioactive waste means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR part 20, appendix B, table II column 2.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901 *et seq.*).

SDWA means the Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-190, 42 U.S.C. 300(f) *et seq.*).

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Sole or principal source aquifer means an aquifer which has been designated by the Administrator pursuant to section 1424 (a) or (e) of the SDWA.

State Director means the chief administrative officer of any State, interstate, or Tribal agency operating an “approved program,” or the delegated representative of the State Director. If the responsibility is divided among two or more State, interstate, or Tribal agencies, “State Director” means the chief administrative officer of the State, interstate, or Tribal agency authorized to perform the particular procedure or function to which reference is made.

Stratum (plural *strata*) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

Subsidence means the lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

Surface casing means the first string of well casing to be installed in the well.

Total dissolved solids ("TDS") means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR part 136.

UTC means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved program."

Underground injection means a "well injection."

Underground source of drinking water (USDW) means an aquifer or its portion:

- (1)(i) Which supplies any public water system; or
- (ii) Which contains a sufficient quantity of ground water to supply a public water system; and
- (A) Currently supplies drinking water for human consumption; or
- (B) Contains fewer than 10,000 mg/l total dissolved solids; and
- (2) Which is not an exempted aquifer.

USDW means "underground source of drinking water."

Well means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Well injection means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

Well plug means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

Well stimulation means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes (1) surging, (2) jetting, (3)

blasting, (4) acidizing, (5) hydraulic fracturing.

Well monitoring means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 46 FR 43161, Aug. 27, 1981; 47 FR 4998, Feb. 3, 1982; 48 FR 14293, Apr. 1, 1983; 53 FR 37414, Sept. 26, 1988]

§ 146.4 Criteria for exempted aquifers.

An aquifer or a portion thereof which meets the criteria for an "underground source of drinking water" in § 146.3 may be determined under 40 CFR 144.8 to be an "exempted aquifer" if it meets the following criteria:

(a) It does not currently serve as a source of drinking water; and

(b) It cannot now and will not in the future serve as a source of drinking water because:

(1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

(2) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

(3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

(4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

(c) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 47 FR 4998, Feb. 3, 1982; 48 FR 14293, Apr. 1, 1983]